



0-25 SPECIAL EDUCATIONAL NEEDS AND DISABILITY UNIT

June 2015 Newsletter

Welcome to the June 2015 edition of the 0-25 SEND Newsletter. In today's newsletter:

- Implementation of the SEND system
- Transition planning
- The Local Offer
- Co-production
- Looked after children and EHC plans
- Youths in custody
- A summary of the results of the February 2015 LA survey

Implementation of the SEND system

[Figures published on 21 May](#), from the annual SEN2 return by local authorities showed that:

- 240,000 have EHC plans or statements;
- over 4,000 children and young people had an EHC plan. Of these a third were new assessments; the remainder transfers, mainly from statements;
- the number of children and young people with a statement or EHC plan increased by around 3,000, although the number of new assessments in the year dropped by about 2,000;
- there was a significant increase in assessments for under 5s;
- 9 out of 10 statements were completed in time; and around 65% of new EHC plans were completed in 20 weeks;
- 165 of EHC plans included a personal budget.

Transition planning

The SEN2 data shows that a small number of statements and LDAs had already been transferred to EHC plans by 15 January 2015. However, the data is a reminder of the size of the challenge that local authorities face in achieving this demanding task, and the length of the journey still to travel.

The most recent guidance to local authorities on priority transfers was issued in March 2015: [Transition to the new 0 to 25 special educational needs and disability system: Departmental advice for local authorities and their partners](#). This included clarification that the total time for transferring statements is 16 weeks from when the LA writes to the family initiating the transfer review process.

Every local authority has published a Local Transition Plan setting out the timings for transfers to the new system. We would expect local authorities to be monitoring those plans closely, and ensure that the planned system is:

- meeting the full range of legislative requirements around transition and new EHC plans;
- producing EHC plans that identify and stipulate the appropriate provision and focus on outcomes; and
- progressing them as quickly as possible, consistent with these other two factors.

In the light of monitoring and reviewing progress, some authorities may wish to revise their Transition Plans, in consultation with parents, young people and relevant professionals. The LA's link SEN Adviser can also offer guidance on prioritisation.

We recognise that this is a challenging task, and we will continue to monitor progress over transitions.

The Local Offer

- Services most likely to be covered: Provision in mainstream and special schools was covered by almost all LAs in their Local Offer.
- Services least likely to be covered: 45% of LAs covered the LA's accessibility strategy and 65% of LAs included support to young people in higher education (Disabled Students' Allowance).

All local authorities will be aware that they are legally required to publish comments on their Local Offer on their website no later than 31st August 2015.

Over the past 18 months, local authorities have been working hard with parents, children and young people to shape and design their Local Offers. This has led to continuing improvements in the quality and compliance of Local Offers since the introduction of the SEND reforms on 1 September 2014.

We are actively supporting LAs to start thinking about how they intend to consult parents and young people over the coming months on the content of their Local Offers and how easy it is to use. We would encourage LAs to consider the following:

- that the parents and young people they consult are representative of their local communities, and they consider how they might be able to get new groups involved in the process, as well as existing networks;
- talking to local youth forums who can represent the views of children and young people with SEND in their communities;
- using innovative methods of gathering views, especially from those that might need access to information in a different format, language or in 'easy read'. This might include running smaller focus groups or community events, perhaps working with their local Parent Carer Forum or youth forums, rather than simply relying on online comments from regular users;
- asking local people to comment not only on how they might improve or enhance the content of their Local Offer but also how user-friendly and easy to navigate their Local Offer is, and whether it is attractive and appealing to users, including children and young people.

Examples of how two local authorities who have already started to publish comments about their Local Offer and their response can be found at:

- <https://www.wiltshirelocaloffer.org.uk/local-offer-response/>

- http://www.norfolk.gov.uk/Childrens_services/Special_educational_needs_and_disabilities/Feedback/You_said_we_did/index.htm

Co-production

LAs need to work closely with children, young people and parents to co-produce their Local Offer to ensure that it is effective and relevant. But it's also important to engage children, young people and parents fully in other aspects of local SEND activity – such as commissioning, service planning, delivery and evaluation. The principles of co-production, which underpin the new SEND system, are being applied in many areas to great effect, leading to sound decisions that are widely supported. It's important that these principles are adopted everywhere so that they become a fundamental part of delivering support for children and young people with SEND across the whole country.

If you want to know more about co-production, there's an excellent video available produced by Contact a Family which you can access here: <https://www.youtube.com/watch?v=SPa3qrDZWp8>

Looked after children and EHC plans

In 2013/14, two-thirds of looked after children for whom data were available had SEN (29% of whom had a statement, and 37.6% who didn't). The SEND Code of Practice includes provisions that relate specifically to looked after children, for example:

- *9.38 Local authorities should be particularly aware of the need to avoid any delays for looked after children and carry out the EHC needs assessment in the shortest possible timescale. Addressing a looked after child's special educational needs will be a crucial part of avoiding breakdown in their care placement.*
- Under paragraph 9.49 the advice and information to inform an EHC assessment should include, where appropriate:

Social care advice and information from or on behalf of the local authority, including, if appropriate, children in need or child protection assessments, information from a looked after child's care plan, or adult social care assessments for young people over 18. In some cases, a child or young person may already have a statutory child in need or child protection plan, or an adult social care plan, from which information should be drawn for the EHC needs assessment.

...

Any other advice and information which the local authority considers appropriate for a satisfactory assessment, for example: ... In the case of a looked after child, from the Virtual School Head in the authority that looks after the child and the child's Designated Teacher and the Designated Doctor or Nurse for looked after children.

We have been looking at ways in which the EHC plan and Care Plan systems can be managed to provide the best experience for a looked after child, to identify the most appropriate provision and to avoid duplication of effort. It is for LAs to decide what is the most efficient and effective way to formulate plans that are legally compliant, based on local systems. The overriding principle is, of course, that any approach should put the best interests of the child first.

We set out below answers to two questions that have been put to us recently about these issues. We would welcome further feedback from practitioners on issues that have cropped up in this context, together with examples of good practice that we could share. Please send any feedback to: SEN.IMPLEMENTATION@education.gsi.gov.uk

Do the review of a Care Plan and the annual review of an EHC plan have to be one and the same event?

Paragraph 1.69 of the Code of Practice reads:

For looked after children the annual review should, if possible and appropriate, coincide with one of the reviews in their Care Plan and in particular the personal education plan (PEP) element of the Care Plan.

However, this does not mean that there has to be a single big review meeting that deals with both the EHC plan and Care Plan reviews. Indeed, it is unlikely that such a meeting would be the most appropriate way to involve the child or to reach the best conclusions about the way forward. All the Code means is that both social care and SEN professionals should have joined up conversations. Decisions about the child's special educational needs should be made with reference to his/her looked-after status and vice versa.

Do Personal Education Plans (PEPs) or health plans for looked after children and their EHC plan have to contain the same information?

There is no need to duplicate in the PEP or health plan what is in the EHC plan. Making a cross-reference will be sufficient. The PEP and the health plan (which are about how a local authority in partnership with others will carry out its duty as a corporate parent rather than its SEND functions) is likely, however, to cover more ground than the EHC plan.

Youths in Custody

New duties introduced in April 2015 mean that LAs now need to ensure they have systems in place for supporting children and young people with SEN aged 10-18 detained in custody. LAs need to:

- identify children and young people in custody with a statement/LDA/EHC plan
- maintain an EHC plan where a child or young person moves into custody
- send the EHC plan to the person in charge of the establishment and NHS England within 5 working days of entering custody
- arrange appropriate special educational provision during the detention if an EHC plan is in place
- review the EHC plan upon release or carry out a transfer review upon release for those with statements
- respond to requests for assessments of children and young people in custody
- arrange mediation in custody if necessary
- arrange information, advice or support in custody where sought or required

SEND Implementation survey February 2015 - summary

In February 2015 we asked local authorities to complete a survey on their progress in implementing the SEND reforms, 5 months after the key provisions of the Children and Families Act 2014 came into force. Unfortunately, we were unable to publish the results during the pre-Election period. We appreciate things will have moved on, but we nevertheless hope you find the information helpful.

In parallel, Contact a Family conducted a survey of Parent Carer Forums. They published the results of that survey in April. Here is a link to them:

http://www.cafamily.org.uk/media/843593/parent_carer_forums_survey_4_implementation_of_the_send_reforms_report.pdf

Further surveys of LAs and Parent Carer Forums were launched, by the Department and Contact a Family respectively, earlier this month and we will bring you the results in a future newsletter.

The headlines from the February 2015 LA survey

132 local authorities responded, including joint responses for Richmond –upon-Thames and Kingston-upon-Thames and the Tri-borough of Hammersmith and Fulham; Kensington and Chelsea; and Westminster. This is a response rate of 87%.

Stakeholder engagement:

- **Parent Carer forums** had the highest engagement rating and **Youth Justice** partners the lowest.
- **Education partners:** Overall, the highest engagement seemed to be in maintained schools and the lowest was in independent schools.
- **Health partners:** Overall the highest understanding/ engagement was in children's therapists and the lowest was in adult mental health services.

Health engagement:

- 93 LAs have appointed a Designated Medical Officer (DMO); 24 are in the process of recruiting one. 29 LAs do not yet have a DMO in place, in comparison with 36 areas not having one in October.

Local Offer:

- **Services most likely to be covered:** Provision in mainstream and special schools was covered by almost all LAs in their Local Offer.
- **Services least likely to be covered:** 45% of LAs covered the LA's accessibility strategy and 65% of LAs included support to young people in higher education (Disabled Students' Allowance).

Education, Health and Care plans:

- 93% of LAs who responded felt that practitioners are ensuring that families are experiencing person-centred reviews as part of the EHC needs and assessment pathways extremely well or quite well.
- 93% of LAs who responded were extremely or very confident that their EHC assessment pathways they have developed are compliant with the Code of Practice.
- 59% of LAs who responded were extremely or very confident that EHC plans will meet the 20 week deadline.
- The percentage of LAs who were extremely or very confident that Year 1 Priority Transfers will be completed within the timescale has decreased from 52% in October to 40% in February.

New assessment requests:

- 32% of LAs stated in February they are receiving more requests for new assessments compared to the same period last year, an increase on 23% in October.
- 25% of respondents stated they have had the same number of new requests for assessment in the first 6 weeks of the new system compared to a year ago;
- 44% of respondents had had fewer requests.

Impartial information, advice and support:

- 95% of LAs who responded stated impartial advice and support was well developed or fully in line with the Code:
 - in 99% of LAs this covered parents/ carers;
 - in 95% of LAs this covered young people; and
 - in 91% of LAs this covered children.

Short breaks provision

- 54% of LAs who responded stated they were making changes to short breaks provision next year; 46% are not.
- 74% of LAs who responded have consulted families on these plans; 26% have not.
- 3% of LAs who responded are increasing their budget for short breaks; 17% are reducing their budget; 80% are keeping the budget the same as for 2014/15.

Pre-tribunal appeal/ mediation arrangements:

- 99% of LAs who responded, stated 0-25 pre-tribunal appeal/ EHC plan mediation arrangements are in place.

Joint commissioning arrangements:

- An increase in the LAs where these arrangements are well developed or fully established, from 50% in October to 59% in February.

Personal Budgets:

- 74% of LAs who responded stated their offer of a personal budget is fully or well developed.
- Services covered:
 - Children's social care was covered by 99% of LAs who responded.
 - 76% of LAs covered Adult Health.
 - 87% of LAs covered Children's Health.

Young Offenders:

- An increase in the LAs with arrangements complete or making good progress from 35% in October to 48% in February.

Measuring Impact of the SEND reforms:

- 90% of LAs who responded have plans in development for measuring the impact of the SEND reforms locally, compared to 64% in October.

Implementation in different education settings:

- In 92% of LAs who responded, most or all schools have a clear system in place for identifying and responding to SEN.

SEND Advisers will continue to offer support and challenge to LAs facing these issues.